

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

OCT 10 2019

David J. Bradley, Clerk of Court

United States of America)

v.)

(1) EMILIO ALEXANDER GONZALEZ and)
(2) ELIZABETH LEGGIO)

Case No.

H19-1904M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 2019 - October 7, 2019 in the county of Harris and Walker in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S. Code §1708

Theft or receipt of stolen mail matter

18 U.S. Code §1704

Keys or locks stolen or reproduced

18 U.S. Code §371

Conspiracy to commit offense

This criminal complaint is based on these facts:

See Attached Affidavit of U.S Postal Inspector Michael D. Ridley

☒ Continued on the attached sheet.
Complainant's signature

Michael D. Ridley Sr, U.S Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/10/2019City and state: Houston, TX
Judge's signature

Nancy K. Johnson, U.S Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Michael D. Ridley, being duly sworn, hereby depose and say:

1. Affiant is Postal Inspector (PI) with U.S Postal Inspection Service (USPIS) and have been so employed since September 2003. Affiant is currently assigned to the USPIS Mail Theft/Mail Fraud Team, which is tasked with the investigation of complex mail theft crimes, including but not limited to, credit card fraud, money order fraud and identity theft. Affiant has gained experience in conducting such investigations through on the job training and everyday work related investigations. Affiant has personally participated in investigations involving violations of federal law regarding mail theft and criminal groups that result from such unlawful activity. As Postal Inspector, Affiant is authorized to investigate violations of the United States and to seek forfeiture of property under authority of the United States.

2. Affiant submits this affidavit in support of a Criminal Complaint charging Emilio GONZALEZ and Elizabeth LEGGIO with 18 U.S. Code § 1708 (Theft or receipt of stolen mail matter), 18 U.S. Code § 1704 (Keys or locks stolen or reproduced) and 18 U.S. Code § 371 (Conspiracy to commit offense).

3. Because this affidavit is being submitted for the limited purpose of securing a Criminal Complaint, Affiant has not included each and every fact known by the Affiant concerning the ongoing investigation. This affidavit is based upon Affiant's personal knowledge, or from information obtained or provided via records, and interviews of witnesses and other law enforcement agents. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

BACKGROUND AND EVIDENCE OF FRAUD

4. On or about October 7, 2019, the Huntsville Police Department (HPD) responded to a suspicious vehicle call within their city limits. HPD made contact with GONZALEZ who was found to be incoherent inside of a privately owned vehicle. Based upon HPD's on scene assessment, GONZALEZ was arrested and taken into custody by HPD. Incident to his arrest, HPD recovered several backpacks from the privately owned vehicle operated by GONZALEZ. The backpacks all contained mail addressed to individuals other than GONZALEZ and addressed to addresses not associated with GONZALEZ in Katy, TX and other cities within the Houston, TX mail delivery areas. HPD contacted USPIS for assistance. HPD sought and obtained a State Search Warrant for GONZALEZ's vehicle as well as his cellular phone.

5. On October 8, 2019, Affiant and PI W. Palomar met with HPD Detectives to discuss the case. Affiant and PI Palomar reviewed the mail which had been recovered by HPD via State Search Warrant for the privately owned vehicle and determined that the majority of the mail was addressed to apartment complexes in the Katy, TX mail delivery area. More importantly, Affiant and PI Palomar observed that none of the mail was addressed to GONZALEZ and likely contained checks, credit cards or personal identifying information (PII). Affiant and PI Palomar observed as HPD executed a State Search Warrant on GONZALEZ's cellular phone. Affiant and PI Palomar observed a video recovered from the phone, in which the individual using the phone to record a video, turns around and an individual can be seen bending over at an apartment complex by the apartment complex mail boxes.

6. Affiant, PI Palomar and an HPD Detective interviewed GONZALEZ. During the interview, GONZALEZ identified two individuals known by PI Palomar as being involved in mail theft. GONZALEZ also identified Glenn Michael WYSK as an individual that can reverse engineer an

Arrow Key by using an Arrow Key (*An Arrow Key is a special master key that opens either collection boxes, Cluster Banks or any specific USPS controlled mail entry/exit points that have the Arrow lock installed*). GONZALEZ stated that he was bringing the mail which was recovered from his privately owned vehicle, to Elizabeth LEGGIO. GONZALEZ stated that he obtained a template from LEGGIO which allowed him to generate a temporary Texas Driver's license using his likeness. GONZALEZ further stated that he has cashed approximately 10 checks which were not made out to him, that he generated temporary driver's license to match the name on the check, and subsequently cash the check. When asked how he gained access to the mail, GONZALEZ stated he has obtained Arrow Keys from WYSK before.

7. GONZALEZ informed Affiant that WYSK was staying with LEGGIO, and that he observed tools, locks (Arrow) and parts to reverse engineer Arrow Keys and that WYSK charged \$300 to \$500 for a key. When asked about the video observed in his cellular phone, GONZALEZ identified the individual using the cellular phone to record the video as himself, and identified the individual at the mail boxes as LEGGIO.

8. Affiant states Gonzalez said LEGGIO has a desk top computer at her residence which contains programs capable of producing fictitious Texas Identification Cards and other government documents. Affiant states Gonzalez also advised that at the residence is an individual with an active Felony arrest warrant, who he identified as Joshua Britt KITLER. Affiant states that HPD confirmed the warrant through Walker County Communications and dispatched HPD undercover units to LEGGIO's residence. Affiant states that while HPD units were at this location, they observed KITLER exit the front of the residence briefly and go back inside. Affiant states that HPD units maintained constant observation of the residence while Affiant, PI Palomar and other HPD units responded to the residence to execute the arrest warrant on KITLER. Affiant states that

HPD officers on scene knocked and announced their presence multiple times, loud and clearly. Affiant states while knocking, an individual was observed in the upstairs window, facing the direction of the officers and peered out the window, before quickly retreating out of sight. Affiant states after a reasonable amount of time for the occupants to come to the front door, HPD forcefully opened the front door, and KITLER was taken into custody. Affiant states upon HPD clearing the residence, multiple articles of evidence linking LEGGIO to theft of mail was observed in plain view, including an IRS document addressed to an M. Severson, who was not present at the residence, as well as several bank checks that were addressed to multiple other people and not LEGGIO.

9. Affiant states that in plain view, and on the dashboard of the Hyundai Elantra, belonging to LEGGIO, Affiant observed a piece of paper with the following 16 digit number, two five digit numbers and a three digit number hand written note: 6045851054584724, 77073, 77095 and 208. Affiant states the first number appears to be a credit or debit card number, and the two five digit numbers are Houston delivery Zip Codes and the three digit number is likely a Credit Verification Value (CVV) number. Affiant states that after this document was found, PI Palomar asked LEGGIO about the numbers and she confirmed the hand writing as her own and that the card number did not belong to her.

10. Based upon this information, HPD sought and obtained a State Search Warrant for the LEGGIO residence. While HPD secured the residence, Affiant and PI Palomar interviewed LEGGIO. LEGGIO admitted that she has cashed approximately 10 checks. When asked about Arrow Keys, LEGGIO stated that MYSK mastered making keys and that he made keys at her residence. LEGGIO stated she would use a crow bar to open up mail boxes, but has used an Arrow Key before, a key which was not provided to her by MYSK. LEGGIO stated she last stole mail

approximately a month ago, from an apartment complex in Katy, TX.

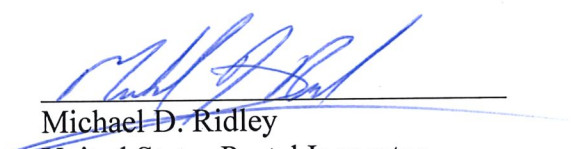
11. Affiant and PI Palomar and HPD units returned to the LEGGIO residence to execute a State Search Warrant. As a result of the search warrant multiple pieces of mail, checks, credit/debit cards not addressed or in LEGGIO's name were recovered from the residence. Additionally several Arrow Key Locks were recovered from both inside of the residence to include but not limited to the master bedroom used by LEGGIO, the closet on top of the stairway, the bedroom on the first floor, as well from LEGGIO's privately owned vehicle.

12. On October 9, 2019, PI Palomar made contact with the owner of "The Pool Man" in Tomball, TX. PI Palomar advised your Affiant that he showed the owner six checks made out to his business, and informed the owner that the checks were found in a residence in Huntsville as part of an ongoing mail theft investigation. The owner denied any knowledge of both GONZALEZ and LEGGIO and did not authorize either to be in possession of the checks. The owner identified the checks as payments from his customers, and as checks he never received. The checks are further described as: Check #2362 in the amount of \$293.18 from a customer in Pinehurst, TX; check #9226 in the amount of \$209.86 from a customer in Tomball, TX; check#4388 in the amount of \$257.99 from a customer in Houston, TX; check#1955 in the amount of \$211.99 from a customer in Cypress, TX; checks# 2441 and 2442 in the amounts of \$486.95 and \$205.68 respectively, from a customer in Tomball, TX.

13. Continued this same date, PI E. Casarez contacted two postal customers, pertaining to mail which was either addressed to them or from their company, mail which was recovered from GONZALEZ' privately owned vehicle. PI Casarez spoke to an accounts payable employee at HMS Healthcare in Katy, TX. Affiant was informed by PI Casarez that the HMS Healthcare employee issued some of the checks and mailed them out the same day, and that other accounts payable

employees likely issued the remaining checks, and neither GONZALEZ nor LEGGIO had been authorized to be in possession of their mail. This same day PI Caseraz contacted D. Mai from Houston, TX to inquire about two checks addressed to him, checks that were recovered from GONZALEZ privately owned vehicle. PI Caseraz informed your Affiant that he was informed by D. Mai that he was expecting a Tax Return check as well as an Insurance Claims check for the past four weeks. D. Mai informed PI Caseraz that he did not authorize neither GONZALEZ nor LEGGIO to be in possession of these checks. The checks are described as: check#972334 in the amount of \$6,557.81 from Sunrise, FL; check#403875922591 in the amount of \$60.10 from, Kansas City, MO.

14. Based upon the totality of the foregoing facts and circumstances, Affiant believes that evidence of a violation of 18 U.S. Code § 1708 (Theft or receipt of stolen mail matter), 18 U.S. Code § 1704 (Keys or locks stolen or reproduced) and 18 U.S. Code § 371 (Conspiracy to commit offense) and that there is probable cause for the issuance of an arrest warrant for both GONZALEZ and LEGGIO.



Michael D. Ridley
United States Postal Inspector

Subscribed and sworn to at Houston, Texas, on this 10th day of October, 2019, and I do find probable cause.



NANCY K. JOHNSON
UNITED STATES MAGISTRATE JUDGE